

Message Text

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PAGE 01 NEW DE 09146 280908Z
ACTION SCS-05

INFO OCT-01 NEA-10 ISO-00 SCA-01 DHA-02 L-03 H-02
/024 W

-----108104 280909Z /14

P R 280710Z JUN 77
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC PRIORITY 4349
INFO AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS

UNCLAS NEW DELHI 9146

FOR SCS

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

FOLLOWING OUR COMMENTS IN RESPONSE TO QUERIES RAISED IN PARA 2
OF REFTEL:

A. LEGAL SERVICES ARE AVAILABLE GRATIS TO ACCUSED CHARGED WITH
HEINOUS
CRIMES SUCH AS MURDER, CULPABLE HOMICIDE NOT AMOUNTING TO MURDER.
GENERALLY, WHERE THE ACCUSED, BECAUSE OF WANT OF FUNDS, ARE UNABLE
TO DEFEND THEMSELVES IN A CRIMINAL PROSECUTION, THEY ARE AFFORDED THE
FACILITY OF LEGAL SERVICES AT THE INSTANCE OF THE COURT. SUCH
LEGAL COUNSEL IS CALLED "AMICUS CURIAE." THESE LEGAL SERVICES,
THOUGH MADE AVAILABLE FREE TO ACCUSED ARE ACTUALLY PAID OUT OF THE
STATE TREASURY. AMICUS CURIAE IS NOT NORMALLY AVAILABLE FOR LESS
SERIOUS OFFENCES.

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B. IT IS FOR THE ACCUSED BEFORE THE COURT TO PRAY COURT FOR THE
APPOINTMENT OF AMICUS CURIAE. NORMALLY SUCH A REQUEST IS
READILY GRANTED.

C. IN THE INDIAN LEGAL SYSTEM, THE QUALITY OF PUBLIC FUNDED LEGAL
SYSTEM OF THE TYPE MENTIONED IN A ABOVE IS AS COMPETENT AS THE
QUALITY OF PAID PRIVATE COUNSEL. GOHEEN

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Message Attributes

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Disposition Approved on Date:
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